

# ARIZONA DEPARTMENT OF TRANSPORTATION POLICIES AND PROCEDURES

## PER-2.02 AMERICANS WITH DISABILITY POLICY

### Title II Nondiscrimination on the Basis of Disability for Programs, Services, and Activities

#### Section 504 Nondiscrimination on the Basis of Disability in any Program or Activity receiving Federal Financial Assistance

**Effective: January 1, 2012**

Supersedes: PER 2.01 (1-1-95)

Responsible Office: ADOT Civil Rights, (602) 712-7761

**Review: January 1, 2015**

Transmittal: 2012-January

Page 1 of 27

## 2.02 PURPOSE

The purpose of this document is to effectuate Arizona Department Transportation (ADOT) American with Disabilities policy under:

- (a) Title II of the American with Disabilities Act of 1990 (42.U.S.C. 12131), which prohibits discrimination on the basis of disability by public entities.
- (b) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which states that no otherwise qualified individual with a disability in the United States shall solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

## 2.03 AUTHORITY

- Americans with Disabilities Act (ADA) of 1990
- The Americans with Disabilities Act Amendments Act of 2008
- Section 504 of the Rehabilitation Act of 1973
- 42 USC 3, et seq. 12131 through 1216 -- Americans with Disabilities Act (Title II)
- 29 USC 794, et seq. -- Section 504 of the Rehabilitation Act of 1973 (as amended by the Civil Rights Restoration Act of 1987)
- 42 USC 3, et seq. 12111 -- Americans with Disabilities Act (Title II)
- 23 CFR 450.220(a) (4) - ADA Requirements to be Certified into Statewide Planning
- 23 CFR 450.316(b) (3) - ADA Requirements for Metropolitan Planning
- 23 CFR 771.105(f) - ADA Requirements for NEPA
- 23 CFR Part 1235 - Uniform System for Parking for Persons with Disabilities
- 23 CFR Part 5632 - Pedestrian & Bicycle Accommodations and Projects
- 28 CFR Part 35 - Nondiscrimination on the Basis of Disability in State and Local Government Services
- 36 CFR Part 1191 - American With Disabilities Act (ADA) Accessibility Guidelines for Building and Facilities; State and Local Government Facilities Architectural Barriers Act (ABA) Accessibility Guidelines

- 49 CFR Part 27 -- Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance
- Public Law 100-259; 102 Stat. 28 -- Civil Rights Restoration Act of 1987
- Public Law 109-59 -- Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005

## **2.04 AUTHORITY**

This policy applies to all of ADOT's employees, and other persons who are part of ADOT's workforce. Additional requirements are outlined in this policy for ADOT managers to resolve complaints and to address contractors and grantees that provide ADOT programs, services or activities.

Title II of the ADA applies to the programs and services of all State and Local governments and their agencies and departments. It applies when programs and services are being provided directly by ADOT or its Divisions or are being provided by grantees, sub-recipients or contractors. ADOT shall ensure that sub-recipients, grantees and contractors understand their obligations under the ADA, inform individuals about their rights under the ADA, and comply with the ADA and this policy.

Section 504 applies to all of the operations of a department or agency of a state or local government that receives federal financial assistance. All of ADOT programs, services, and activities shall comply with Section 504. ADOT sub-recipients, grantees and contractors whose services are funded with federal financial assistance shall also comply with Section 504.

## **2.05 BACKGROUND**

The Americans with Disabilities Policy was first published in the ADOT Administrative Policies and Procedures Manual on October 1, 1992, as PER-2.01. The previous revision was completed for PER-2.01 on January 1, 1995, and expanded the list of requirements for employers and program/service providers. PER-2.02 is being established to conform with Title II of the ADA which prohibits discrimination on the basis of disability in state and local government services.

## **2.06 POLICY OVERVIEW**

This policy provides information on the ADOT's policy on non-discrimination on the basis of disability in its programs, services, and activities under Title II of the American with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973. Because of the nearly identical language and requirements in these two laws, this policy shall treat them the same, and a reference to the ADA shall include a reference to Section 504. This policy does supersede policies or manuals, which pursuant to other federal or state laws provide rights or benefits greater than those required by Title II of the ADA or Section 504. Where multiple laws apply, ADOT shall apply whichever law provides the most rights or benefits. This policy does not address the obligation of ADOT's programs to comply with the ADA in terms and conditions of employment or the hiring process.

## 2.07 DEFINITIONS

***Americans with Disabilities Act*** (Pub. L. 101–336, 104 Stat. 327, 42 U.S.C. 12101–12213 and 47 U.S.C. 225 and 611) Subject to the provisions of Title II of the ADA, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

***Americans with Disabilities Act Accessibility Guidelines (ADAAG)*** - Provide scoping and technical specifications for new constructions and alterations undertaken by entities covered by the ADA

***ADA Title II, Nondiscrimination on the Basis of State and Local Government Services*** - Protects people with disabilities from discrimination in services, programs or activities of all State and local governments.

***ADA/504 Coordinator*** – Employee of the State ADOT who has been designated to coordinate the ADOT’s activities and efforts with respect to Title II ADA and Section 504 compliance.

***Alteration*** - Modification made to an existing building or facility that goes beyond normal maintenance activities and affects or could affect usability.

***Assistive device*** - A device that assists users in accomplishing day-to-day functions.

***Auxiliary aids and services includes—***

- (1) Qualified interpreters, notetakers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
- (2) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;
- (3) Acquisition or modification of equipment or devices; and
- (4) Other similar services and actions.

***CFR (Code of Federal Regulations)*** - The Code of Federal Regulations is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

***Changes in level*** - Vertical height transitions between adjacent surfaces or along the surface of a path. Small changes in level are often caused by cracks in the surfacing material. Changes in level may also result when the expansion joints between elements such as curb ramps and gutters are not constructed at

the same time. On trails, ruts caused by weather erosion, tree roots, and rocks protruding from the trail surface are common sources of changes in level.

**Complete complaint** means a written statement that contains the complainant's name and address and describes the public entity's alleged discriminatory action in sufficient detail to inform the agency of the nature and date of the alleged violation of this part. It shall be signed by the complainant or by someone authorized to do so on his or her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

**Cross slope** - The slope measured perpendicular to the direction of travel.

**Curb ramp** - A combined ramp and landing to accomplish a change in level at a curb. This element provides street and sidewalk access to pedestrians using wheelchairs.

**Current illegal use of drugs** means illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem.

**Customer** means any person who applies for, receives, or participates in an ADOT program, services, or activity

**Designated Agency, (23 CFR Subpart G, 35.190)** - The USDOT is one of the designated Federal executive agencies with oversight/enforcement responsibilities for the Title II of the Americans with Disabilities Act. The USDOT is required to oversee transportation compliance activities of State and local governments. In turn, the various modes within DOT have certain responsibilities for their respective program areas. FHWA is responsible for pedestrian access as pertains to highways, roadways and walkways within the public right-of-way.

**Direct Threat** means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures or by the provision of auxiliary aids and services.

**Disability** means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

(1) (i) The phrase physical or mental impairment means—

(A) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, disorder such as mental retardation, organic brain hemic and lymphatic, skin, and endocrine;

(B) Any mental or psychological syndrome, emotional or mental illness, and specific learning disabilities.

(ii) The phrase physical or mental impairment includes, but is not limited to, such contagious and non-contagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer,

heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

- (iii) The phrase physical or mental impairment does not include homosexuality or bisexuality.
- (2) The phrase **major life activities** means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- (3) The phrase **has a record of such an impairment** means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
- (4) The phrase is regarded as having an impairment means —
  - (i) Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a public entity as constituting such a limitation;
  - (ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
  - (iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by a public entity as having such an impairment.
- (5) The term **disability** does not include—
  - (i) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
  - (ii) Compulsive gambling, kleptomania, or pyromania; or
  - (iii) Psychoactive substance use disorders resulting from current illegal use of drugs.

**Drug** means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

**Existing Facilities** - Facilities that are neither new facilities nor altered facilities. Neither Title II ADA nor Section 504 necessarily requires a public entity or recipient to make each of its existing facilities accessible to and usable by individuals with disabilities.

**Facility** means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

**Federal financial assistance** - Under Section 504 means any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the Department provides or otherwise makes available assistance in the form of:

- (1) Funds;
- (2) Services of Federal personnel; or
- (3) Real or personal property or any interest in, or use of such property, including:

- (i) Transfers or leases of such property for less than fair market value or for reduced consideration; and
- (ii) Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

**Grade** - The slope parallel to the direction of travel that is calculated by dividing the vertical change in elevation by the horizontal distance covered. For example, a trail that gains 2 m in elevation over 40 m of horizontal distance has a grade of 5 percent.

**Grantee** means a person or entity who has received a grant from ADOT.

**Historic preservation programs** means programs conducted by a public entity that have preservation of historic properties as a primary purpose.

**Historic Properties** means those properties that are listed or eligible for listing in the National Register of Historic Places or properties designated as historic under State or local law.

**Illegal use of drugs** means the use of one or more drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. 812). The term *illegal use of drugs* does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

**Individual with a disability** means a person who has a disability. The term *individual with a disability* does not include an individual who is currently engaging in the illegal use of drugs, when the public entity acts on the basis of such use

**Level of Service (LOS)** - A qualitative rating of the effectiveness of a roadway in serving traffic, in terms of operating conditions such as traffic flow, using an alphabetical scale from A to F with A being the best (free flow) and F being the worst (stopped traffic).

**Mid-block crossing** - A crossing point positioned in the center of a block rather than at an intersection.

**Metropolitan Planning Organization (MPO)** - An urban regional body for areas with populations larger than 50,000, that makes transportation policy and planning decisions as mandated in Federal transportation legislation.

**New Construction** - A project in which an entirely new facility is built from the ground up or where a new facility is added to an existing facility.

**Parallel Curb Ramp** - A curb ramp design in which the sidewalk slopes down on either side of a landing at street level; parallel curb ramps require users to turn on the landing before entering the street.

**Pedestrian** - A person who travels on foot or who uses assistive devices, such as a wheelchair, for mobility.

**Perpendicular curb ramp** - A curb ramp design in which the ramp path is perpendicular to the edge of the curb.

**Places of public accommodation** - Facilities operated by private entities that fall within the following 12 broad categories defined by Congress: places of lodging, food establishments, entertainment houses, public gathering centers, sales establishments, service establishments, transportation stations, places of recreation, museums and zoos, social service establishments, and places of education.

**Primary recipient (under Section 504)** - means any recipient that is authorized or required to extend Federal financial assistance from the Department to another recipient for the purpose of carrying out a program.

**Private entity** - An individual or organization not employed, owned, or operated by the government.

**Program** means an administrative area within ADOT including areas designated as “programs” and any program, service, or activity administered by or operated by ADOT’s contractors, consultants, grantees, etc.

**Programs, Services, or Activities** are collectively referred to as “program” or “programs”. Used in this policy, include any ADOT program, service, or activity whether within ADOT or administered or operated by a contractor, consultant, grantee, etc.

**Public entity** means—

- (1) Any State or local government;
- (2) Any department, agency, special purpose district, or other instrumentality of a State or States or local government; and
- (3) The National Railroad Passenger Corporation, and any commuter authority (as defined in section 103(8) of the Rail Passenger Service Act).

**Qualified individual with a disability** means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

**Qualified interpreter** means an interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary.

**Reasonable Modification** means that ADOT shall make Reasonable Modifications in the policies, practices, or procedures of a program, service, or activity when the modifications are necessary to avoid discrimination based on disability unless the modification would fundamentally alter the nature of the program, service, or activity. A modification of policies, practice or procedures made to a program, service, or activity is one that allows an individual with a disability the opportunity to participate equally in the program, service, or activity or benefit from the service.

**Right-of-way** - The rights, title, and interest in real property necessary for the construction and maintenance of the project. Private property rights may be acquired by donation or acquisition and may be fee-simple, easement, or other form of use agreement acceptable to the parties. The property rights

must be of sufficient duration to match the design life of the project, and in a form that can be recorded on the land records.

**Recipient** - As defined by Section 504, it means any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, organization, or other entity, or any individual in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance from the Department is extended directly or through another recipient, for any Federal program, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary under any such program. This definition includes primary STA FHWA recipients such as State departments of transportation (STAs) and STA sub recipients such as metropolitan planning organizations (MPOs), local governments, and other State and local government agencies that receive Federal financial assistance through the STA.

**Section 504** means section 504 of the Rehabilitation Act of 1973 (Pub. L. 93–112, 87 Stat. 394 (29 U.S.C. 794)), as amended prohibits discrimination on the basis of disability in any program service, activity, or benefit of a recipient/sub-recipient of Federal financial assistance.

**Self Evaluation** - State and local governments are required to evaluate existing services (this includes transportation and pedestrian facilities), policies, and practices for discrimination practices and barriers, under 28 CFR 35.105. This is a prerequisite for developing the Transition Plan.

**Service Animals** means an animal, as referenced under the American with Disabilities Act, including guide dog, signal dogs, or other animals trained to assist an individual with a disability. Animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government and are not required to use any special harness, leash or jacket.

**State** means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

**State Department of Transportation (STA)** - Means, for the purposes of this policy, an agency whose primary mission is the planning, construction, operation and maintenance of transportation projects, programs, including roads and highways and is the primary recipient or sub-recipient of Federal Financial Assistance.

**Transition Plan**-Under 28 CFR 35.150, a written plan that identifies the barriers to be removed, the timetable for completion and funding sources for removing information and physical barriers and the installation of curb ramps. Work included in the Transition Plan is an ongoing process requiring periodic updates.

**Truncated Domes** - Small domes with truncated tops that are detectable warnings used at transit platforms, curb ramps, and hazardous vehicular ways.

***Undue Financial Burden*** means a significant difficult expense or impact on ADOT when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operations and as defined by the Americans with Disabilities Act.

***United States Code (USC)*** - The United States Code is the codification by subject matter of the general and permanent laws of the United States. It is divided by broad subjects into 50 titles and published by the Office of the Law Revision Counsel of the U.S. House of Representatives.

## **2.08 POLICY**

### **A. General**

1. No qualified individual with a disability shall, on the basis of disability, be discriminated against, be excluded from participation in, or be denied the benefits of the services, programs or activities of the Department. ADOT shall provide reasonable modifications when necessary to avoid discrimination.
2. ADOT shall not directly or through contractual, licensing, or other formal or informal arrangements, on the basis of disability: deny a qualified person with a disability the opportunity to participate in a service, program, or activity to receive the benefits or services offered in accordance with law.
  - a. ADOT shall not use methods of program administration that have a discriminatory effect on individuals with disabilities.
  - b. ADOT shall not use eligibility criteria that unlawfully screen out individuals with disabilities.

ADOT shall not assess a charge or fee to an individual with a disability to cover the cost of measures required to provide the individual with the non-discriminatory treatment required by this policy.

### **B. Who is Protected**

#### **1. Individuals with Disabilities**

The ADA and Section 504 protect an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs provided by ADOT or its sub-recipients, contractors, consultants and grantees.

“Disability” means that an individual:

- a. Has a physical or mental impairment that substantially limits one or more of the major life activities of such individual;

- b. Has record of such impairment; or
- c. Is being regarded as having such impairment. An individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under the ADA because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. The term “being regarded as having such impairment” does not apply to impairments that are transitory and minor. A transitory impairment is impairment with an actual or expected duration of 6 months or less.
- d. If an individual meets any of the above test (subsections a through c), he or she is considered an individual with a disability for purposes of protection under the ADA and Section 504.
- e. Physical and mental impairments include, but are not limited to: heart disease, cancer, cerebral palsy, vision impairments, mobility impairments, deafness, asthma, seizure disorders, paraplegia, HIV, developmental disabilities, cognitive disabilities, learning disabilities, clinical depression, bipolar, obsessive-compulsive disorder, post traumatic stress disorder, anxiety disorders, alcoholism, and many other conditions.
- f. Major life activities include but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A “major life activity” also includes the operation of major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- g. An individual need not meet the definition of a disability under the Social Security Supplemental Security Income (SSI), Social Security Disability Income (SSDI), or Veterans Administration (VA) programs, or other disability benefits programs to qualify as an individual with a disability under the ADA or Section 504.
- h. Alcoholism is impairment under the ADA. If it substantially limits a major life activity, it is a disability and therefore protected by the ADA.
- i. Individuals with a past history of engaging in the illegal use of drugs, who are not currently engaged in the illegal use of drugs, who are enrolled in a supervised drug rehabilitation program or have successfully completed such a program, are protected by the ADA.
- j. “Current use” is the illegal use of controlled substances that occurred recently enough to justify a reasonable belief that a person’s drug use is current or that continuing use is a real and ongoing problem.

- k. The Department shall not exclude an individual from a program, or deny equal opportunity to participate in and benefits from programs on the basis that the individual has a history of drugs, if the individual is currently participating in or has successfully completed a supervised drug rehabilitation program and is not currently engaging in illegal drug use.

## **2. Other Individuals Protected**

- a. The ADA protects people who have a past history of disability, if they are being discriminated against based on that past history.
- b. The ADA protects people who are wrongfully perceived as having disabilities, if the program, service, or activity makes decisions on the basis of that perception.
- c. In addition, the ADA prohibits discrimination against individuals that do not have disabilities themselves, but have a known relationship or association with individuals who have disabilities such as family members or friends.

## **C Who Must Comply with the ADA and Section 504**

1. Title II of the ADA applies to the programs and services of all state and local governments and their agencies and departments, such as ADOT. It applies when programs and services are being provided directly by ADOT or its Divisions, and when those programs and services are being provided by grantees, consultants or contractors, such as third party contractors providing services under contract for ADOT's Motor Vehicle Division. When ADOT's programs are provided by grantees, consultant or contractors, it is the responsibility of the Department to ensure that contractors understand their obligations under the ADA, inform individuals about their rights under the ADA, and comply with the ADA.
2. Section 504 of the Rehabilitation Act ("Section 504") applies to all of the operations of a department or agency of a state or local government that receives federal financial assistance. ADOT's programs that receive financial assistance shall comply with Section 504. ADOT's consultants and contractors whose services are funded with federal financial assistance shall also comply with Section 504. In addition, Section 504 of the Rehabilitation Act of 1973, as amended, extends the prohibition of discrimination on the basis of disability to all activities of State and local governments including those that do not receive Federal financial assistance (28 CFR 35.102-35.104)
3. The ADA and Section 504 have overlapping requirements. For the sake of simplicity, this policy shall refer to the ADA, but Section 504 has similar requirements.

## **D. Administrative Responsibilities**

The Department shall have an agency-wide ADA Coordinator.

## **1. ADA Coordinator**

- a. The Director or designee shall appoint an agency-wide ADA Coordinator responsible for administering Department-wide compliance with Title II of the ADA and Section 504, and other state and federal disability discrimination laws.
- b. The ADA Coordinator is central to ensuring ADOT's ADA compliance. The role of the ADA coordinator includes:
  - (i.) Coordinating overall ADA compliance;
  - (ii.) Involving people with disabilities and interested parties in the compliance process;
  - (iii.) Overseeing the Department's ADA Self-Evaluation;
  - (iv.) Overseeing the Department's Transition Plan; and
  - (v.) Overseeing the investigation of complaints and/or grievances.
  - (vi.) Authorization (from the Director and/or Designee) to require those within ADOT's programs, services or activities and Divisions to modify policies and practices to accommodate the individual with a disability.

## **2. Division Responsibilities**

In addition to the ADA Coordinator responsibilities, ADOT's Divisional responsibilities include, but are not limited to:

- a. Ensuring that all contracts to provide services to individuals, and all contracts for programs, services, or activities receiving federal financial assistance, require the party with whom ADOT is contracting with to comply with the ADA and Section 504;
- b. Assisting in procuring or obtaining forms and publications in alternative formats when requested by or on behalf of individuals with disabilities, or by an ADOT program or Division;
- c. Assisting the ADA Coordinator in ensuring that materials are provided in alternative formats that are accessible to people with disabilities when needed;
- d. Assisting with the development and review of ADA training materials that are tailored to the particular ADOT program, service, or activity;
- e. The Office of Facilities Management & Support Group shall be responsible for oversight of physical accessibility of program sites in which ADOT's programs, services, or activities are delivered. This oversight includes:
  - (i) Ensuring that new construction complies with accessibility guidelines;
  - (ii) Ensuring building modifications are made in compliance with the ADA; and

- (iii) Negotiating accessibility issues when renewing leases, including assigning responsibility for accessibility matters between the landlord and tenant, as appropriate.

## **2.09 POLICY STANDARDS**

### **A. Program, Service, or Activity Requirements**

Every facet of ADOT's programs, services, or activities must comply with ADA and cannot be operated in a manner that has a discriminatory effect. This includes but is not limited to: the application process, documentation and reporting requirements, agency appointments, public meetings, hearings and events, licensing, certification, work activities.

### **B. Eligibility Criteria – Programs, Services, or Activities May Not Exclude or Screen Out Individuals with Disabilities**

1. ADOT shall not exclude qualified individuals with disabilities from ADOT's programs, services, or activities on the basis of disability if they meet the programs essential eligibility requirements, with or without reasonable modification of rules, policies, or procedures, or the provision of auxiliary aids and services.
2. ADOT shall not apply eligibility criteria or standards that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities from fully and equally enjoying any programs, services, or activities unless such criteria can be shown that such requirements are necessary for the provision of the program, service, or activity. Anyone with questions as to these criteria should consult with the ADA Coordinator.
3. When there is a barrier to eligibility or participation that is related to an individual's disability and the program, service, or activity's eligibility criteria, the program, service, or activity should apply the reasonable modification provisions of this policy.
4. ADOT may impose legitimate safety requirements even if they screen out individuals with disabilities.
  - a. The safety screening requirements shall be based on actual risk, not non speculation, stereotypes, or generalizations about individuals with disabilities or on the basis of presumptions about what a class of individuals with disabilities can or cannot do.
  - b. Safety standards shall be applied to all individuals or participants, and ADOT's inquiries shall be limited to matters necessary to implement the safety standards.

## **C. Ensuring Access to Programs, Services, or Activities to Individuals with Disabilities**

### **1. Programs, Services or Activities**

- a. ADOT shall ensure that each program, service, or activity is readily accessible to and usable by individuals with disabilities.
- b. ADOT's programs, services, or activities shall provide meaningful access and an equal opportunity to participate in and benefit from programs, services, or activities to individuals with disabilities.
- c. ADOT's programs and services shall be accessible to and usable by people with disabilities, even if each and every building or program site is not physically accessible. The Department shall identify alternative locations or make information and services accessible by other means as needed. The Department also understands in accordance with the ADA regulations that it is not necessarily required to make each of its existing facilities accessible (28 CFR 35.149-35.150).
- d. If a program site provides parking for the public, a specified number of those spaces shall meet ADA Accessibility Guidelines (36 CFR Part 1191).

### **2. New Construction and Building Alterations**

- a. As required by law, buildings or parts of buildings built or altered by, on behalf of, or for state and local governments, in which construction began after January 26, 1992 shall be designed and constructed to be accessible to or usable by people with disabilities and comply with the 2010 ADA Standards for Accessible Design (28 CFR 35.151 and 36 CFR part 1191, Appendices B and D).
- b. ADOT shall ensure that communication requirements applicable to new construction and building alterations are followed.
- c. In accordance with State and Federal Requirements ADOT's Facilities Management & Support Group shall use and maintain signs that clearly designate all available exits from all buildings. The Facilities Management & Support Group shall provide signage at all inaccessible entrances of ADOT's facilities, directing users to accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each accessible entrance for a facility.

## **D. Unnecessary Inquiries**

ADOT shall not make any unnecessary inquiries into the existence of any individual disability.

## **E. Surcharges**

Although some ADA compliance may result in some additional cost to ADOT, the Department shall not place a surcharge only on particular individuals with disabilities or groups of individuals with disabilities to cover these expenses.

## **F. Reasonable Modification**

### **1. Right to Reasonable Modification**

ADOT shall provide individuals with disabilities with reasonable modifications when necessary to have an equal and meaningful opportunity to participate in and benefit from ADOT's programs, services, or activities.

ADOT shall make reasonable modifications to policies, practices, or procedures of a program, service, or activity at no cost to the individual with a disability when the modifications are necessary to avoid discrimination based on disability unless the modification would fundamentally alter the nature of the program, service, or activity, or create an undue administrative or financial burden.

### **2. Requesting Modifications**

Individuals with disabilities have a right to ask ADOT's programs, services, or activities for reasonable modifications.

- a. Request for reasonable modifications may be made verbally or by completing a Request for Reasonable Modifications form. The employee receiving a verbal request shall document the request by completing a Reasonable Modifications form. Programs, services, or activities cannot require individuals to use or sign special forms to make requests or waive a right for reasonable modifications.
- b. Whenever an individual indicates difficulty in accessing or participating in a program, service, or activity due to a disability, the employee shall advise the individual that he or she may make a request for reasonable modifications and offer assistance with making that request. In addition, individuals do not have to say the words "ADA" or "reasonable modification" to trigger ADOT's obligation to treat the statement as a request for a modification.
- c. If the employee knows that the individual has a disability that is causing the individual to have difficulty accessing services or participating in a program, service, or activity, the individual should be advised that he or she may make a request for reasonable modifications and should be offered assistance, if appropriate, in making the request.
- d. Individuals with disabilities have the right to change their minds at any time and accept a reasonable modification that was previously offered and declined. They also

have the right to request a reasonable modification other than the modification offered or requested in the past.

### **3. Granting Modifications Requests**

Employees who interact with individuals during the provision of services shall have the responsibility and the authority to provide reasonable modifications for individuals with disabilities, and shall be aware of applicable procedures to ensure requests are resolved in a reasonable and timely manner.

If an employee believes that an individual requesting a modification is not entitled to a modification, or not entitled to specific modification requested, the employee shall consult with a supervisor before denying a modification request. If the reason for the denial is that the modification would result in a fundamental alteration or undue burden, the supervisor shall consult with the ADA Coordinator prior to approving or declining the request. If the request cannot be informally resolved, the individual requesting the modification may resolve any grievance resulting from the modification denial decision through the grievance process.

### **4. Documentation and Disability for Modifications and Interim Modifications**

- a. Employee must not require documentation of an obvious disability, for example, if the person is blind or in a wheelchair, unless:
  - (i) The program and the individual with a disability disagree about what type of modification would meet the needs of the individual with a disability, and documentation from the individual would explain why a modification offered by a program would not meet the needs of the individual with disability.
- b. In situations where there is a question about the existence of a disability or whether the modification is appropriate to address the barrier for service or participation, ADOT may seek documentation of a disability from a physician or appropriate licensed professional. The requested documentation shall verify the disability and its relationship to the barrier to service or participation, and how the requested modification would reduce or eliminate the disability to permit the individual with a disability to meet service or participation requirements. Documentation of the existence of a disability is considered sufficient if it confirms the existence of the disability, the permanent or temporary nature of the disability, and the functional limitations caused by the disability. Only the information related to the disability generating the need to be accommodated may be requested; other medical documentation is irrelevant.

## **5. Modifications Needed on an Ongoing Basis**

ADOT programs, services, or activities shall put procedures in place to ensure that modifications needed on an ongoing basis are provided on that basis, so that a person with a disability does not have to request the same modification each time it is needed.

## **6. Timeframe to Provide Reasonable Modifications**

- a. Modifications shall be provided in time to avoid discrimination. The time period depends on factors, including but not limited to, the type of modification requested and the consequences to the individual of failing to provide it immediately. Failure to provide modifications that can easily be provided may result in a denial of equal or meaningful access.
- b. Depending upon the modification requested and the circumstances, it may take some time to arrange for a modification, and it may not be feasible to provide the modification immediately or on the same day it is requested.
- c. For activities that are scheduled in advance, Department staff should encourage persons who may need modification to request them as early as possible before the activity.

## **7. Notice of Denial**

Divisions and programs shall only make a determination to deny a request for reasonable modification after consulting with the agency ADA Coordinator. If the division or program area denies a request for a modification, the agency ADA Coordinator shall ensure that a written notice is sent to the individual. This notification shall include in the denial notice an explanation for why the modification request is being denied, or why the program decided to offer a modification other than the one that was requested. The notice should also identify any alternative modifications that are offered. The written notice of denial shall also inform the individual with a disability of how to file an ADA grievance.

## **8. Individuals with Disabilities Cannot Be Required to Accept Modifications**

Nothing in this policy requires an individual with a disability to accept a modification, service, opportunity, or benefit provided under this policy. Individuals with disabilities have a right to refuse modifications, and cannot be excluded from programs, services, or activities because they refused a modification. If, however, as a result of refusing modification and the program having advised the individual with a disability of the consequences of the refusal, the program can take action against the individual with a disability on the basis that the individual with a disability is not complying with program requirements.

## **9. Reasonable Modification Available Regardless of Whether a Disability is Apparent**

Reasonable modification shall be provided regardless of the appearance or lack of appearance of a disability. Department employees not trained in determining disability accommodation or modification shall not make determinations on the need of clients requesting these services.

## **10. Consideration for Program-Specific Procedures**

- a. Department programs, services, or activities shall develop and implement program-specific reasonable modification procedures for individuals with disabilities.
- b. Program specific reasonable modification procedures shall ensure that, at a minimum, all Department policies are adhered to. While program specific procedures may adopt shorter time frames for providing reasonable modifications, they cannot adopt longer timeframes than those required by this policy. Additionally, program specific procedures shall be consistent with the following:
  - (i) Reasonable modification is appropriate when there is a connection between an individual's disability and the barrier to eligibility or participation in a program, service or activity.
  - (ii) First consideration should be given to addressing barriers using existing program, service, or activity resources.
  - (iii) Employees are to assist individuals requesting modification to provide the necessary information to establish a reasonable modification plan.

## **11. Policy Does Not Limit Benefits or Services**

Nothing in this policy prohibits the Department from providing benefits or services to individuals with disabilities, or to a particular class of individuals with disabilities beyond those required.

## **12. No Requirement to Provide Personal Devices**

- a. This policy does not require a program, service, or activity to provide individuals with disabilities with personal devices such as wheelchairs; individually prescribed devices such as prescription eyeglasses or hearing aides; readers for personal use or study; or services of a personal nature including assistance in eating, toileting or dressing, unless such personal services or devices are customarily provided to the individuals participating in the program, service, or activity.
- b. In some instances the Department may choose to provide equipment or services of a personal nature as an alternative to providing another type of modification.

## **G. Communications (Including Auxiliary Aids and Services)**

ADOT programs, services, or activities shall provide effective communication with individuals with disabilities and member of the public with disabilities where necessary to ensure an equal opportunity to participate in, and enjoy the benefits of, a program, service, or activity unless it would result in a fundamental alteration of the program, service, or activity or an undue financial or administrative burden.

### **1. Auxiliary Aids and Services**

- a. ADOT programs, services, or activities shall provide auxiliary aids and services including alternate format communication to individuals with disabilities of their choice unless it can be demonstrated that the choice would result in a fundamental alteration or an undue burden in which case, an alternative effective means of communication shall be used, if it exist.
- b. The type of auxiliary aid or service necessary to ensure effective communication shall vary depending on the needs of the individual with a disability and the length or complexity of the communication.
- c. In determining the type of auxiliary aid or service necessary, ADOT shall give primary consideration to the request of the individual with a disability.
- d. Example of auxiliary aids and services include, but are not limited to: assistive listening devices, open and closed captioning, qualified sign language interpreters, Speech to Speech Relay, Hearing Carry-Over (Text Telephones), speech synthesizers, communicating through keyboard, note takers, telephone amplifiers, videotext displays, teletypewriters (TTYs), email, Braille materials, large-print text, oral presentation, and audiotape recording and other effective methods of communication.
- e. ADOT programs, services, or activities shall provide information to individuals with disabilities, and members of the public about the methods by which the program, service or activity communicates with individuals with disabilities, the fact that auxiliary aids and services are available, and how to request them.

### **2. Sign Language Interpreters**

- a. ADOT programs, services, or activities, shall provide qualified sign language interpreters to individuals who are deaf or hard of hearing, who use sign language to communicate, when necessary to communicate effectively with a ADOT program, service, or activity. Individuals who are deaf or hard of hearing cannot be required to bring an interpreter with them to appointments, or to pay for an interpreter provided by the ADOT program.
- b. ADOT programs, services, or activities cannot require or persuade individuals with disabilities to provide their own interpreters, but an individual with a disability has a

right to provide his or her own interpreter or have a relative or friend interpret if the individual prefers.

- c. To be a qualified interpreter, the interpreter shall be able to interpret effectively and impartially, using specialized vocabulary relevant to the ADOT program, service, or activity.
- d. In some circumstances, Department employees may be able to communicate effectively with a deaf or hard of hearing person during simple interactions through the use of written notes. For more lengthy and complex interactions, such as interviews to determine eligibility for services, interviews to determine an individual's needs (such as those used to develop service), conciliation meetings, and administrative hearings, writing notes is not an effective means of communication and should not be used.
- e. When an individual who is deaf or hard of hearing is limited English proficient, Department employees must provide vital program information in their preferred language.
- f. Programs, services, or activities may either have qualified interpreters on staff or use contract service providers that interpret on an as-needed basis. ADOT programs can also use when available video conferencing technology to access an interpreter at remote location where available.

### **3. Telephone and Other Remote Communication**

- a. Public entities such as ADOT that communicate by telephone must provide equally effective communication to individuals with disabilities, including hearing and speech impairments. If telephone relay services are available, those services generally may be used to meet this requirement. Relay services involve a relay operator who uses both a standard telephone and a TDD to type the voice messages to the TDD user and read the TDD messages to the standard telephone user. Where such services are available, public employees must be trained to accept and handle relayed calls in the normal course of business.
- b. ADOT may use several options for communicating by telephone with deaf and hard of hearing individuals.
  - (i) Teletext typewriters (TTYs) type and receive written messages.
  - (ii) Telephone relay services (7-1-1) use a toll-free relay operator to read messages so that a person with a TTY can communicate with a person or agency without a TTY.
  - (iii) Video relay or Video Relay Services (VRS) involves the use of a computer monitor and telephone to access relay operator who can see and be seen by a deaf

caller and can serve as an interpreter between the deaf caller and a standard telephone user.

- c. Employees who receive calls from individuals with the public shall be instructed that silence on the other end of the phone may indicate that it is a relay call, and employees should not hang up immediately if they do not hear a voice. If the program, service, or activity has a TTY programmed to be answered automatically instructing callers to leave messages, it shall have a procedure in place to check and return TTY messages and return calls on the same day that the message is received.
- d. Programs, services, or activities cannot adopt procedures that have a discriminatory effect on individuals with disabilities who need a third party to communicate with a program on their behalf. Programs shall have mechanisms in place that enable individuals with disabilities to submit an authorization form to the program authorizing the program to communicate with a third party on the individual's behalf.

#### **4. Interactive Voice Response System (IVR)**

If ADOT program does not have a TTY number, and a TTY user places a call through a relay operator, the IVR may not provide sufficient time for a caller to indicate his or her selection the relay operator and for the relay operator to enter the selection. If the ADOT program does not have a TTY and uses IVR, the system shall be programmed to ensure that persons using voice relay have the ability to access a live person who can accommodate their communication needs.

#### **5. Email Communications**

Email may be an effective way to communicate with individuals with disabilities and members of the public with disabilities. Many deaf and hard of hearing individuals prefer email and text messaging to TTYs.

If ADOT uses email to provide effective communication, as an equal and meaningful opportunity for individuals with disabilities to participate in and benefit from programs, services, or activities, ADOT will establish procedures requiring employees to check and respond to such messages within a reasonable period of time. ADOT will also inform individuals with disabilities, and members of the public that they can communicate with a program or employees by email.

#### **6. Notice to Individuals and the Public about Effective Communication and Individuals with Disabilities**

ADOT provides information to individuals and members of the public about the methods by which the program, service, or activity communicates with individuals with disabilities, the fact that auxiliary aids and services are available, and how to request them. Programs can meet the obligation to provide this notice by including information about effective communication in consumer materials that provide information about

ADA rights. If the program has a TTY number, the number is included in notices, brochures, and other written materials that include the program's voice telephone number.

## **7. Web Site Accessibility**

ADOT will provide access to ADOT material to individuals with disabilities that is as effective as access provided to individuals without disabilities. ADOT is not required to purchase computers for individuals or to pay for Internet or other computer access services for an individual

## **H. Disability-Related Non-Compliance with Program, Service, or Activity Requirements**

Department employees shall take into account the potential impact of known disabilities when making a finding of willfulness or intent to refuse to comply with programmatic requirements. The Department shall offer reasonable modification when the modification will allow the individual with a disability to comply.

1. Department staff shall be sensitive to the difficulties that some individuals with disabilities have that make it difficult to meet ADOT program, service, or activity requirements, including complying with program notices, gathering documents, or complying with other program, service, or activity requirements.
2. Some individuals do not have disabilities themselves, but are caring for family members with disabilities, and these caretaking responsibilities make it difficult to comply with program, service, or activity requirements. The federal or state laws governing a particular program, service or activity may require that caretaker responsibilities be taken into account.

## **I. Service Animals**

Service animals include any guide dog, signal dog, or other animal individually trained to provide assistance to individuals with disabilities. Service animals are allowed to enter all ADOT facilities, institutions, and programs to assist individuals, employees, and the public with accessibility. Service animals are not required to be licensed or certified and not required to wear special identity collars or harnesses.

## **J. Fundamental Alteration**

When a fundamental alteration of a program, service, or activity, or undue financial or administrative burden would occur by providing program access, the Department shall take such action to provide program access that will not result in a fundamental alteration of the program, service, or activity, or result in an undue financial or administrative burden. ADOT may achieve access by:

1. Providing services, activities, and programs in facilities that are accessible to individuals with disabilities.
2. Transferring programs, services, and activities from any building that becomes temporarily or permanently inaccessible to an alternate location that is accessible.
3. Modifying when reasonable, the structure of a facility to ensure that individuals with disabilities have access to programs, services, and activities.
4. Making a reasonable modification of the policies and procedures, or providing auxiliary aids and services within available resources.

Any denial of request for access, an auxiliary aids or services or request for reasonable modification of policy due to a finding of fundamental alteration or undue burden shall be in writing with the reason for denial provided by the responsible division. Notice of denials resulting from a grievance review shall be provided by the ADA Coordinator.

#### **K. Direct Threat**

1. When participation in a program by an individual with a disability poses a direct threat, defined as a significant risk to the health or safety of others that cannot be eliminated or reduced to an acceptable level through the provision of auxiliary aids and services or through reasonably modifying policies, practices, or procedures, that person is not considered a qualified individual with a disability and may be excluded from ADOT programs, services, or activities.
2. The determination of direct threat to the health and safety of others shall be documented and based on an individualized assessment relying on current medical evidence, or the best available objective evidence that shows:
  - a. The nature, duration, and severity of the risk;
  - b. The probability that a potential injury shall actually occur; and
  - c. Whether reasonable modifications of policies, practices, or procedures shall lower or eliminate the risk.
3. Inappropriate behavior alone, even though it may make employees and other individuals uncomfortable, does not constitute a direct threat as defined in this section. It is only behavior that amounts to a significant risk to the health or safety of others that is a direct threat.

#### **L. Illegal Drug Use**

1. ADOT shall not discriminate on the basis of illegal drug use against an individual who is not currently engaging in illegal drug use.

2. It is not discriminatory for a program, service, or activity to adopt reasonable policies related to drug testing, that are designed to ensure that an individual who formerly engaged in the illegal use of drugs is not engaging in the current illegal use of drugs.
3. An individual with a psychoactive substance use disorder resulting from current illegal use of drugs is not considered to have a disability under this policy unless the individual has disability due to another condition.

#### **M. Discrimination on the Basis of Association**

1. ADOT shall not discriminate against individuals that do not have disabilities themselves, but have a known relationship or association with individuals who have disabilities such as family members, friends, or any other individual.
2. An individual who experiences discrimination by association has the right to file a report of discrimination or a grievance with ADOT, file a discrimination complaint with the appropriate federal or state designated agency, or to file a lawsuit.
3. The ADOT ADA Coordinator or designee shall investigate allegations of retaliation against individuals with disabilities or other protected under this policy.

#### **O. Release of Information**

If an ADOT Division believes there is a need to share information about an individual's disability with another ADOT program in a separate Division, or with another entity outside of the Division, the program shall follow applicable federal and state law and department policy regarding any such disclosure.

#### **P. Notice of Rights**

ADOT programs and services shall provide individuals, and members of the public with information about their rights under the ADA:

1. ADOT offices in which individuals are served shall display an approved poster or flyers that highlight individual rights under the ADA.
2. The Department shall provide information to explain rights of applicants and recipients in relation to services for those with disabilities. The information shall be made available where information about ADOT programs and services are available.
3. Employees shall read and explain the information to the individual whenever an applicant or recipient for ADOT programs or benefits has a disability that interferes or may interfere with the ability to read and/or understand written material.

## **Q. Grievance Policy and Procedure**

### **1. Right to File a Grievance**

Anyone who feels that he or she or another person has been discriminated against in violation of Title II of the ADA or Section 504, may file an ADA grievance by submitting a grievance to the ADA Coordinator for investigation and resolution. If the ADA Coordinator position was involved in the initial decision to deny a request for a reasonable modification, an individual can file an ADA grievance directly with the ADOT Director's office and request that the Director's Office investigate and decide the grievance.

### **2. Notice of Right to File a Grievance**

- a. Individuals shall be informed of their right to file such grievances by posters or flyers in program offices and fliers distributed to individuals.
- b. Poster or fliers shall include contact information (name, address, and phone and fax number) of the ADA Coordinator.
- c. Notices informing individuals that the request for a reasonable modifications or modification has been denied shall contain information about how to file an ADA grievance with ADOT.

### **3. Methods of Filing a Grievance**

Individuals may file a grievance by telephone, in writing, or on a grievance form. Programs shall inform anyone seeking to file a grievance that they are entitled to help with completing the form, if needed. If a grievance is submitted by telephone, the ADA Coordinator shall take down the information over the telephone and provide the person filing the grievance with a copy of the form or other document describing the grievance, so that the person filing the grievance can review it and make changes if necessary. Alternate formats shall be provided if needed as a modification regarding the grievance process.

### **4. Deadline for Deciding ADA Grievances**

The ADA Coordinator or designee shall investigate and resolve a grievance as soon as possible and in any event within 30 business days after receipt of the grievance. A decision shall be provided to the grievant in writing.

### **5. Appeal**

A grievant who is not satisfied with the initial grievance decision may appeal it to the ADOT Director. Appeals shall be filed at the ADOT Director's Office within 10 days of the date the grievant received notification that the grievance was denied, and shall explain why the grievant disagrees with the initial grievance decision. The ADOT Director shall provide a written response within thirty days of receipt of the appeal.

## 6. Record Keeping Requirements for ADA Grievances

All ADA grievances shall be documented to include: the name of the grievant; the grievance; the date of the grievance; the investigation; the resolution of the grievance; and any documentation concerning the grievance.

## **R. Monitoring**

All ADOT programs, services, or activities shall develop a system for monitoring compliance with the ADA in ADOT or contracted programs, services and activities. Monitoring shall take place on a regular and ongoing basis, including, but not limited to:

1. A review of a sample of individual case records of individuals with disabilities to determine whether disabilities were identified, modification requests recorded, and modifications provided in a timely fashion;
2. A periodic review of all of the ADA grievances filed with ADOT regarding the program, service, or activity, to identify patterns of problems that may need to be addressed through policy changes, and ensure that grievances were resolved in a timely fashion;
3. Analysis of customer data to identify trends that may indicate a need for policy and program changes (e.g., to see whether individuals with disabilities are losing or being denied benefits and services to a greater extent than others);
  - a. Interviews with front line employees to test their familiarity with ADA obligations and modification procedures;
  - b. Customer interviews to see whether they are satisfied that their disabilities were accommodated.

## **S. Training**

1. ADOT will provide periodic training to employees to facilitate their understanding of ADOT responsibilities under federal and state civil rights law and regulations, and this policy, governing the delivery of programs, services, and activities.
2. ADOT divisions shall use the Department-wide ADA training.
3. All new employees shall receive initial training, and existing employees shall receive refresher training.
4. Refresher training shall be provided on an annual basis.

## **T. Contractors and Grantees**

1. When ADOT procures services by contract, grant, or intergovernmental agreement (IGA), ADOT shall include requirements in contracts and IGAs that contractors, grantees, or governmental entities under IGA shall comply with Title II and Section 504, in addition to other applicable civil rights laws.
2. All procured contracts, grants, or IGAs shall also include provisions for ADOT to periodically review contractors for compliance with Title II and Section 504.
3. Primary responsibility for adopting policies and procedures to provide non-discriminatory access by an individual or the public to a service, program or activity administered by ADOT lies with ADOT.

### **2.10 CORRESPONDING POLICIES**

PER-2.01 ADOT Americans with Disabilities Policy